

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 548 OF 2006**

Appasaheb Dinkar Pisal & ors. ... Appellant

V/s

Sarjerao Bayaji Pisal & ors. ... Respondents

Mr. R.A. Thorat for the appellants.

Mr. P.B. Shah for the respondent Nos. 1 to 8.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 10TH JULY, 2007.

P.C.:

1. The appellant has challenged the concurrent findings of fact arrived by both the Courts below that the plaintiffs had proved that they are entitled to 1/3 share of the suit property being Survey No. 49/2. The suit property was originally owned by the plaintiff's grandmother. She had three sons, Bayaji, Khashaba and Dinkar. Bayaji's heirs are the plaintiffs and Dinkar's heirs are the defendants. The suit property Survey No. 49/2 was divided and 1/3 share was given to Khashaba while 2/3 was given to Dinkar. Khashaba's son Maroti and Rajaram continued to enjoy 1/3 share of the suit property after Khashaba's death. Dinkar and his heirs

owned and enjoyed 2/3 share of the property. Maroti relinquished his share in favour of Rajaram who in turn sold his entire 1/3 share to Bayaji. Both the Courts below have held that the defendants were unable to prove that they had any right over this 1/3 share of the suit property being Survey No. 49/2.

2. No substantial question of law is raised in the appeal.

3. Appeal dismissed.

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